

# EXHIBIT 96

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

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QUINTON HARRIS; JOHN BAKER;  
GEOFFREY MILLER; NORMAN MOUNT;  
THOMAS TAYLOR; AND SCOTT ZINN;  
individually and on behalf of other similarly  
situated,

CASE NO. 8:16cv381-JFB-SMB

Plaintiffs,

**DECLARATION OF  
ALEXANDER WISE**

v.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

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I, Alexander Wise, declare that the following is true and correct to the best of my knowledge and recollection:

1. I am an adult resident of the state of Minnesota. I am employed as a Litigation Database Specialist at Nichols Kaster, PLLP. I work with Microsoft Excel on a daily basis as part of my job duties.
2. At the direction and under the supervision of Plaintiffs' Counsel, I have prepared a number of summaries of Union Pacific's eHealthsafe and Service Restriction data using functions of Microsoft Excel.
3. The eHealthsafe datasets are bates labeled UP\_Harris\_202506 and UP\_Harris\_238006. The Service Restriction dataset is bates labeled UP\_Harris\_408498.

**The eHealthsafe Datasets**

4. I counted that there were 7,700 unique individuals in the eHealthsafe datasets.
5. I counted that there were 7,283 unique individuals in the eHealthsafe datasets who had a "SERVICE CLOSED DATE" that is either later than September 18, 2014, or is blank.

6. I counted that there were 3,145 unique individuals in the eHealthsafe datasets who had either of the following:
- a “SERVICE OUTCOME” of “CLEARED TO WORK - WITH PERMANENT RE”, “CLEARED TO WORK - WITH TEMPORARY RE”, or NOT “CLEARED TO WORK”; or
  - a “SERVICE CLOSURE REASON” of “EE NOT ABLE TO RETURN WORK”, “MANAGER DOES NOT AGREE TO ACCOMMODATE - REFER TO ACCOM COMMI”, or “MEDICAL DISQUALIFIED.”
7. I counted 5,855 unique individuals in the eHealthsafe datasets who had a listed “DIAGNOSIS KEY CATEGORY.” Of these individuals, I counted 2,637 with one of the “SERVICE OUTCOME(S)” or “SERVICE CLOSURE REASON(S)” identified above in ¶ 6.
8. Table 1 below summarizes individuals by “DIAGNOSIS KEY CATEGORY”, including: (A) the particular “DIAGNOSIS KEY CATEGORY”; (B) the number of unique individuals with that “DIAGNOSIS KEY CATEGORY”; (C) the number of unique individuals with a particular “DIAGNOSIS KEY CATEGORY” and with one of the “SERVICE OUTCOME(S)” or “SERVICE CLOSURE REASON(S)” identified above in ¶ 6; and (D) the percentage of unique individuals with a particular “DIAGNOSIS KEY CATEGORY” having one of the “SERVICE OUTCOME(S)” or “SERVICE CLOSURE REASON(S)” identified above in ¶ 6. Individuals may be included in more than one “DIAGNOSIS KEY CATEGORY” group.

<i>Table 1: Summary of Diagnosis Key Category (eHealthsafe datasets)</i>				
	(A)	(B)	(C)	(D)
	DIAGNOSIS KEY CATEGORY	Unique Individuals	Unique Individuals with SERVICE OUTCOME or SERVICE CLOSURE REASON from Paragraph 6	(C) / (B)
(1)	MSK	1940	874	45.05%
(2)	EARS/HEARING	532	246	46.24%
(3)	SLEEP DISORDERS	1019	408	40.04%
(4)	ICD CODES	1011	483	47.77%
(5)	CARDIOVASCULAR	1408	648	46.02%
(6)	PULMONARY	101	53	52.48%
(7)	NEURO	318	223	70.13%
(8)	GU	74	34	45.95%
(9)	ENDOCRINE	678	336	49.56%
(10)	EYE/VISION DISORDERS	754	505	66.98%
(11)	PSYCH	329	143	43.47%
(12)	INFECTIOUS DISEASE	25	10	40.00%
(13)	GI/ABD	192	83	43.23%



(14)	SKIN	58	29	50.00%
(15)	HEMATOLOGY	17	9	52.94%
(16)	IMM/ALL	6	4	66.67%
(17)	CONVERSION	3	1	33.33%

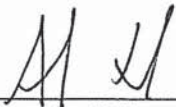
### The Service Restriction Dataset

9. I counted 5,783 unique individuals in the Service Restriction dataset.
10. Of these 5,783 individuals, I counted that 4,951 have a listed “WA\_CAT” of “CLIMBING”, “DRIVING OR OPERATION OF EQUIPMENT”, “ELECTRONMAGNETIC FIELDS”, “HEARING”, “PERMANENT - NOT FIT FOR DUTY”, “REG CDL”, “REG CRANE”, “SUDDEN INCAPACITATION-ENGINEERING”, “SUDDEN INCAPACITATION-MECH&TEY”, “TEMPORARY - NOT FIT-FOR-DUTY”, or “VISION”.
11. I isolated all Service Restriction dataset records that satisfied the conditions of ¶ 10, above. For each of the individuals included in this data subset, I calculated the total time elapsed between “LIMI\_STRDATE” and “LIMI\_ENDDATE.” Values in the latter date field were capped at August 17, 2018. I excluded records with “LIMI\_ENDDATE” values that predated “LIMI\_STRDATE” values. Certain individuals had records with overlapping “LIMI\_STRDATE” and “LIMI\_ENDDATE” – the calculations did not double-count these overlapping time periods.
12. Table 2 summarizes below summarizes the individuals described in ¶ 10 by the total amount of time between their “LIMI\_STRDATE” and “LIMI\_ENDDATE.”

<i>Table 2: Summary of Service Restriction Data Subset</i>		
	(A)	(B)
	Total Time Covered by Service Restriction Data Subset	Unique Individuals
(1)	0-90 Days	1,589
(2)	91-180 Days	549
(3)	181-365 Days	373
(4)	366-730 Days	479
(5)	Greater than 730 Days	1,961
(6)	Total	4,951

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 10, 2018

  
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Alexander Wise